STATE OF NEW YORK

9453

IN ASSEMBLY

March 14, 2024

Introduced by M. of A. LEVENBERG -- read once and referred to the Committee on Correction

AN ACT to amend the correction law, in relation to prohibiting the limitation of in-person visitation of incarcerated individuals

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The correction law is amended by adding a new section 138-b to read as follows:

§ 138-b. Prohibited limitation of in-person visitation of incarcerated individuals. 1. A correctional facility shall not:

(a) prohibit, eliminate, or unreasonably limit in-person visitation of incarcerated individuals; or

(b) coerce, compel, or otherwise pressure an incarcerated individual to forego or limit in-person visitation.

2. For the purposes of this section, to unreasonably limit in-person visitation of incarcerated individuals shall include, but not be limited to, providing an eligible incarcerated individual fewer than two opportunities for in-person visitation during any seven-day period.

3. A correctional institution, jail or house of correction may use video or other types of electronic devices for incarcerated individual communication with visitors; provided, however, that such electronic communications shall be in addition to and shall not replace in-person visitation.

4. Nothing in this section shall prohibit the temporary suspension of visitation privileges for good cause, including, but not limited to, misbehavior or during certain emergencies, as determined by the department.

§ 2. This act shall take effect on the thirtieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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